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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,439	12/18/2001	Chui-Kuei Chiu	4425-231	1678

43831 7590 06/05/2006

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EXAMINER	
BURLESON, MICHAEL L	

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/020,439	CHIU, CHUI-KUEI	
	Examiner	Art Unit	
	Michael Burleson	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/13/2006 have been fully considered but they are not persuasive.

2. Applicant states that the reference of Selby does not disclose of computing respective differences between adjacent sensing values; storing said base value and said respective differences stated in claims 1 and 7. Examiner disagrees with Applicant. Selby discloses that the averages of the white strip and black strip are fed into a correction algorithm to adjust offset and gain (column 6,lines 33-43). These values are placed into an algorithm, which requires computation in order to be performed. Selby discloses that the test strips are scanned and the reflectivity value is temporary stored for obtaining revised averages (column 6,lines 50-54). Selby discloses a reflectivity value (base value), which is stored in order to obtain averages, which are also stored when used in the correction algorithm (column 6,lines 33-43). Rejection of claims 1-12 is maintained.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter. Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The article comprising a storage medium having instructions stored on it is not embodied on a computer readable medium to realize the functionality of the executable instructions.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Selby (U.S. Patent 5,404,232).

With respect to claim 1, Selby discloses a calibration method comprising: reading image information comprising sensing values from a calibration plate having a plurality of pixels of an image of a calibration plate (column 4 lines 5-8), wherein a sensing value corresponds to one of said pixels (column 4 lines 24-28); determining a base value in accordance with said sensing values of said calibration plate (column 4 lines 34-35); computing respective differences between adjacent sensing values (column 6 lines 36-39); storing said base value and said respective differences (column 3 line 52; column 6 lines 51-52); and calibrating image information of an object, wherein said base value is added to a first sensing value of the image information of said object and each sequential sensing value of the image information of said object is added by one of said respective differences corresponding thereto (column 5 lines 7-19, 60).

With respect to claims 2,8,14, and 18, Selby discloses said base value comprises a minimum value among said sensing values of said calibration plate (column 5 lines 2-4, 11-13).

With respect to claims 3, 9,15, and 19, Selby discloses said base value comprises a medium value of said sensing values of said calibration plate (column 5 lines 50-53, 60-63).

With respect to claim 4 and 20, Selby discloses storage bits of one of said respective differences depending on a distribution range of said respective differences (column 6 lines 6-9).

With respect to claims 5 and 11, Selby discloses the calibration of the image information of said object at least via an additive circuit and a compensating/computing circuit (column 3 lines 51-52, 60-68).

With respect to claims 6 and 12, Selby discloses said calibration plate is either of white calibration plate and black calibration plate (column 4 line 5).

With respect to claim 7, Selby discloses a comprising: reading image information comprising sensing values from a plurality of pixels of an image of a calibration plate (column 4 lines 5-8), wherein a sensing value corresponds to one of said pixels (column 4 lines 24-28); determining a base value in accordance with said sensing values of said calibration plate (column 4 lines 34-35); computing a difference between said base value and each of said sensing values of said calibration plate (column 4 lines 34-35; column 6 lines 45-49); storing said base value and said respective differences (column 3 line 52; column 6 lines 51-52); and calibrating image information of an object, wherein said base value is added to a first sensing value of the image information of said object and each sequential sensing value of the image information of said object is added by one of said respective differences corresponding thereto (column 5 lines 7-19, 60).

With respect to claim 10,16, Selby discloses storage bits of one of said differences depending on a distribution range of said differences (column 6 lines 6-9).

With respect to claim 13, Selby discloses a apparatus (figure 4), means for reading image information wherein a sensing values from a plurality of pixels of an image of a calibration plate, wherein a sensing value corresponds to one of said pixels (column 4 lines 24-28); means for determining a base value in accordance with said sensing values of said calibration plate (column 4 lines 34-35); means for computing respective differences between said adjacent sensing values (column 6 lines 36-39); means for storing said base value and said respective differences (column 3 line 52; column 6 lines 51-52); and means for calibrating image information of an object, wherein said base value is added to a first sensing value of the image information of said object and each sequential sensing value of the image information of said object is added by one of said respective differences corresponding thereto (column 5 lines 7-19, 60).

With respect to claim 17, Selby discloses an article comprising: a storage medium having stored thereon instructions that if executed, result in (column 3,lines 51-56), reading image information comprising sensing values from a plurality of pixels of an image of a calibration plate, wherein a sensing value corresponds to one of said pixels (column 4 lines 24-28); determining a base value in accordance with said sensing values of said calibration plate (column 4 lines 34-35); computing a difference between

said base value and each of said sensing values of said calibration plate (column 4 lines 34-35; column 6 lines 45-49); storing said base value and said respective differences (column 3 line 52; column 6 lines 51-52); and calibrating image information of an object, wherein each sensing value of the image information of said object is added by said base value and one of said differences corresponding thereto (column 5 lines 7-19, 60).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Burleson whose telephone number is 571-272-7406. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Burleson

May 29, 2006

KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER